

Montgomery County Board of Commissioners

Ordinance 2019 – 5

An Ordinance Re-Establishing the Cumulative Capital Development Fund

Whereas, the Montgomery County Board of Commissioners previously established a Cumulative Capital Development Fund (“CCD Fund”) and imposed a tax levy for it under Indiana Code §6-1.1-41 to provide money for authorized purposes for which property taxes may be imposed in accordance with Indiana Code §36-9-14.5, including but not limited to construction, remodeling and repair of the courthouse, construction, repair, remodeling, enlargement of and equipment for a county jail or juvenile detention facility, the purchase, lease or payment of all or part of the motor vehicles for the community corrections program, purchase, construction and maintenance of public buildings and equipment therefor, acquisition of land and improvements that are necessary for construction of public buildings, for the demolition of any improvements on land to be acquired to level grade and prepare land for construction of a public building, provide funds for a cumulative drainage fund, acquire land or rights-of-way to be used for public ways or sidewalks, construction and maintenance of public ways or sidewalks, acquire land or rights-of-way for the construction of sanitary sewers or storm sewers, or both, to construct or maintain sanitary sewers or storm sewers or both, to purchase, lease or pay for all or part of a utility, to acquire, by purchase or lease, land, buildings or rights-of-way for the use of

any utility that is acquired or owned by the County, to purchase or acquire land, with or without buildings, for park or recreational purposes, to purchase, lease or pay all or part of the purchase price of motor vehicles for the use or any combination of the police, community corrections program or fire department, to retire in whole or part or in part any general obligation bonds of the County, to purchase or lease equipment and other non-consumable personal property needed for any public transportation use, to purchase or lease equipment to be used to illuminate a public way or sidewalk, to purchase, lease, upgrade, maintain or repair computer hardware, computer software, wiring and computer networks, communication access systems used to connect with computer networks or electronic gateways, to pay for the services of full-time or part-time computer maintenance employees, to conduct nonrecurring in-service technology training of employees, and to purchase body armor for active members of the County police department; and

Whereas, the Board of Commissioners desires to re-establish the CCD Fund and maintain the tax rate at the maximum rate allowed by law; and

Whereas, the current tax rate for the CCD Fund is \$0.0333 per \$100 of assessed valuation, and the maximum property tax rate for the CCD Fund under Indiana Code §36-9-14.5 is \$0.0333 per \$100 of assessed valuation; and

Whereas, the Board of Commissioners desires to re-establish the CCD Fund and to maintain the tax rate for the fund to \$0.0333 per \$100 of assessed valuation; and

Whereas, the Commissioners provided to the taxpayers of Montgomery County notice of this proposed ordinance and of the public hearing, as required by Indiana Code §5-3-1, by publishing on February 27, 2019 and March 6, 2019 notice of the public hearing in the *Journal Review* and *The Paper of Montgomery County*, two newspapers of general circulation in Montgomery County, Indiana; and

Whereas, the Commissioners conducted a public hearing on the proposed ordinance on March 11, 2019 at which time no taxpayers testified regarding the proposed tax rate; and

Whereas, the Commissioners have purposes for which the funds can be spent and desire to maintain the CCD Fund's tax rate at the maximum amount allowed by Indiana Law; and

Whereas, introduced this ordinance on February 25, 2019; and

Whereas, the Commissioners find that the Cumulative Capital Development Fund should be re-established and that the tax rate should be maintained at \$0.0333 per \$100 assessed valuation.

It is therefore ordained by the Montgomery County Board of Commissioners that:

Section 1. Cumulative Capital Development Fund Re-Establishment. The Montgomery County Board of Commissioners hereby re-establishes the Cumulative Capital Development (CCD) Fund pursuant to Indiana Code §6-1.1-41, to be used for all purposes allowed and set forth in Indiana Code §36-9-14.5, including but not limited to construction, remodeling and repair of the courthouse, construction, repair, remodeling, enlargement of and equipment for a county jail or juvenile detention facility, the purchase, lease or payment of all or part of the motor vehicles for the community corrections program, purchase, construction and maintenance of public buildings and equipment therefor, acquisition of land and improvements that are necessary for construction of public buildings, for the demolition of any improvements on land to be acquired to level grade and prepare land for construction of a public building, provide funds for a cumulative drainage fund, acquire land or rights-of-way to be used for public ways or sidewalks, construction and maintenance of public ways or sidewalks, acquire land or rights-of-way for the construction of sanitary sewers or storm sewers, or both, to construct or maintain sanitary sewers or storm sewers or both, to purchase, lease or pay for all or part of a utility, to acquire, by purchase or lease, land, buildings or rights-of-way for the use of any utility that is acquired or owned by the County, to purchase or acquire land, with or without buildings, for park or recreational purposes, to purchase, lease or pay all or part of the purchase price of motor vehicles for the use or any combination of the police, community corrections program or fire department, to retire in whole or part or in part any general obligation bonds of the County, to purchase or lease equipment and other non-consumable personal property needed for any public transportation use, to purchase or lease equipment to be used to illuminate a public way or sidewalk, to purchase, lease, upgrade, maintain or repair computer hardware, computer software, wiring and computer networks, communication access systems used to connect with computer networks or electronic gateways, to pay for the services of full-time or part-time computer maintenance employees, to conduct nonrecurring in-service technology training of employees, and to purchase body armor for active members of the County police department, and now establish the rate to be Three and thirty-three one-hundredths cents (\$0.0333) per One Hundred Dollars (\$100.00) of assessed valuation on all taxable real and personal property in Montgomery County, Indiana.

Section 2. Tax Rate. The County Board of Commissioners now levies a tax on all real and personal property in Montgomery County to provide funds to the CCD Fund, with a tax rate of \$0.0333 on each \$100 of assessed valuation. This tax rate will be levied beginning with taxes for 2019 and payable in 2020.

Section 3. Publication of Notice of Adoption. The Auditor shall publish a notice of this ordinance's adoption within seven (7) days of its adoption.

Section 4. DLGF Approval. This ordinance is subject to the Indiana Department of Local Government Finance's approval. The Commissioners direct the County Auditor to submit to the Indiana Department of Local Government Finance a certified copy of this ordinance, the Notice of the Board's March 11, 2019 public hearing, the Notice of Adoption, and all proofs of publication for both Notices. This submission for the Department of Local Government Finance's approval must be made before May 1, 2019, all as provided in Indiana Code § 6-1.1-41-4.

Section 5. Advertisement. The Auditor shall annually advertise this tax levy in the same manner as other tax levies are advertised.


Section 6. Repeal of Conflicting Ordinances. The provisions of all other County ordinances in conflict with the provisions hereof, if any, are of no further force or effect and are hereby repealed.

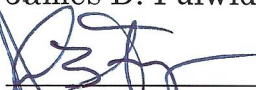
Section 7. Duration and Effective Date. The provisions of this Ordinance shall become effective immediately and remain in full force and effect until repealed by ordinance.


Adopted this 11th day of March, 2019.

Montgomery County, Indiana
Board of Commissioners

Voting Yes:


James D. Fulwider, President


John Frey, Vice President


Phil Bane, Member

Voting No:

Attest:


Jennifer Andel, Auditor